## **MINUTES**

# OF THE

## NORTH CAROLINA ALARM SYSTEMS LICENSING BOARD

DATE: May 14, 2009

TIME: 9:00 am

PLACE: Hampton Inn

Raleigh, North Carolina

SUBMITTED BY: Director Terry Wright

MEMBERS PRESENT: MEMBERS ABSENT:

Brad Smith Johnny Phillips

Doc Hoggard Mack Donaldson Courtney Brown Richard Lee

STAFF PRESENT:

Director Terry Wright Board Secretary Nan Williams

Deputy Director Anthony Bonapart Training Officer Tim Pressley

Attorney Charles McDarris

Field Services Supervisor Larry Liggins

VISITORS:

Lynn HoosierPhyllis HoosierEddie GriffinBrad SmithSherry CoueyKevin BoehmDavid RoeGrant Thayer

Michael Rowe Minnie Booker

Ed Poole Millie Archer
Darrell K. Trent Noah D. Brown

Sandra J. Brown
Terry Hatley
John Beckam
Nick Baratta
John Becker

Kristy Groff Antone McLaughlin
Paul M. Hunt James E. Harris
Chinn K. Hwang Joshua Burrett
Steve Sholts Steve Tully
Casey Imfeld Dawn McQuade

Gerald T. Simpson, Jr.

William Peacock

Robert Horwat

Timothy L. Allen

Lola DiNofrio

Steve Moore

Denise Martin

Gerald Simpson, Sr.

Kile Unterzuber

Michael Stephens

Scott Finley

Rockie Goeller

Frank Hardee

Charles Hunt

Nick Hatley

#### CALL TO ORDER

9:00 am. The May 14, 2009 meeting of the North Carolina Alarm Systems Licensing Board was called to order by Chairman Smith.

In accordance with the State Ethics Law, Attorney Charles McDarris read the following information. "It is the duty of every Board member to avoid both conflicts of interest and appearances of conflict. If any member has any known conflict of interest or appearance of conflict with respect to any matters coming to this Board today, please identify the conflict or appearance of conflict and refrain from any deliberation and vote in that particular matter."

The matter of AlarmForce and Qualifying Agent Homer Weaver was presented to the Board for a proposed settlement offer. Mr. McDarris presented the Board with a copy of the proposed settlement. Present were the following: Ms. Julia Wicker, Mr. Dennis Wicker, Mr. Keith Anthony, Mr. Homer Weaver, Mr. Joel Maitland, and Mr. Mike DeFrank.

After hearing from all individuals and discussion by the Board, the Board went into closed session pursuant to 143.318.11.

CLOSED SESSION: 10:15 am

RECONVENED: 10:50 am

Mr. Smith advised that the Board addressed legal questions with the Board's attorney and what their

options would be during the closed session.

The Board made the following recommendations regarding this matter:

- 1. Continue the case in OAH that is scheduled to be heard at the end of the month.
- 2. AlarmForce and Mr. Homer Weaver to submit a specific management plan on how things are to be corrected and to include a copy of the agreement between AlarmForce and Mr. Homer Weaver.
- 3. The management plan should also stipulate that all original contracts would be kept in the Raleigh, North Carolina office and not in Canada.
- 4. All contracts to be maintained and delivered to the Raleigh office immediately and not kept in a technician's possession for days.
- 5. The Board is not rejecting or accepting the settlement offer.

MR. SMITH MADE A MOTION TO DEFER ACTION IN THIS MATTER UNTIL THE JULY 17, 2009 BOARD MEETING. SECONDED BY MR. HOGGARD. MOTION CARRIED.

MR. HOGGARD MADE A MOTION TO APPROVE THE MINUTES OF THE MARCH 20, 2009 BOARD MEETING. SECONDED BY MR. BROWN. MOTION CARRIED.

Mr. Hoggard reported the results of the Screening Committee. See attached Screening Committee Report.

MR. HOGGARD MADE A MOTION TO APPROVE THE SCREENING COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. BROWN. MOTION CARRIED.

MR. BROWN MADE A MOTION TO APPROVE THE REGISTRATION REPORT AS PRESENTED. SECONDED BY MR. LEE. MOTION CARRIED.

Mr. Smith reported that he and Mr. Hoggard met as the Grievance Committee on May 13, 2009. The following individuals were present: Mr. Joe Satterfield, Mr. Kevin Roache, Mr. Steve Gower, Mr. Richard Crabtree, Mr. Charles Smith, Mr. William Bunn, Mr. Rodney Hall, Mr. Allan Orr, Mr. Reed Fountain, Mrs. Pamela McLean, Mr. Mark Pecker, Mr. Kurt Kottkamp, Mr. Robert Hall, and Mr. Bob Gray.

MR. LEEMADE A MOTION TO APPROVE THE GRIEVANCE COMMITTEE REPORT AS PRESENTED. SECONDED BY MR. DONALDSON. MOTION CARRIED.

SPECIAL REPORTS AND PRESENTATIONS

Mr. Smith presented the Continuing Education Sub-committee report.

- 1. Why Go IP? A Business & Technical Perspective The committee recommends approval of 2 CEU's for this course.
- 2. The New Wireless Advantage: Strategies to get ahead in today's market The committee recommends denial of CEU's for this course because the course goes beyond the scope of NCGS 74-D. Specifically, the course's main focus is not specific enough to the Board's regulated activities and the committee feels approving this course would not be appropriate. The committee discussed this with the course's sponsor.
- 3. Networking Essentials for the Security Integrator The committee recommends denial of CEU's for this course because the course goes beyond the scope of NCGS 74-D. Specifically, the course's main focus is not specific enough to the Board's regulated activities and the committee feels approving this course would not be appropriate. The committee discussed this with the course's sponsor.
- 4. Migration from Analog to Digital/IP Video for CCTV Surveillance The committee recommends approval of this course for 2 CEU's.

MR. HOGGARD MADE A MOTION TO ACCEPT THE RECOMMENDATIONS OF THE CONTINUING EDUCATION SUB-COMMITTEE. SECONDED BY MR. DONALDSON. MOTION CARRIED.

UNFINISHED BUSINESS

None

**OLD BUSINESS** 

None

#### NEW BUSINESS

The following are the new meeting dates for the year of 2010. The meetings will be held on Wednesdays and Thursdays. The Screening Committee will be held at 9:00 am on Wednesday's and Grievance Committee will be held at 1:00 pm on Wednesday's. The Board meeting will be held at 9:00 am on Thursday's. All meetings will be held in Raleigh, North Carolina.

January  $13^{th}$  and  $14^{th}$ , 2010 - Raleigh, NC March  $24^{th}$  and  $25^{th}$ , 2010 - Raleigh, NC May  $12^{th}$  and  $13^{th}$ , 2010 - Raleigh, NC July  $14^{th}$  and  $15^{th}$ , 2010 - Raleigh, NC September  $15^{th}$  and  $16^{th}$ , 2010 - Raleigh, NC November  $17^{th}$  and  $18^{th}$ , 2010 - Raleigh, NC

MR. BROWN MADE A MOTION TO ACCEPT THE NEW MEETING DATES AS PROPOSED. SECONDED BY MR. HOGGARD. MOTION CARRIED.

Mrs. Denise Martin presented her letter requesting to be exempt from the Electrical Contracting License Requirements. The Board voted at the March Board meeting that she should not be exempted from this rule. Mr. Kyle Unterzuber addressed the Board and explained exactly what Night Hawk Security did as a company. After discussion by the Board, the following motion was made:

MR. LEE MADE A MOTION TO APPROVE THE REQUEST OF MS. DENISE MARTIN AFTER RECONSIDERATION TO BE EXEMPT FROM THE ELECTRICAL CONTRACTING LICENSE REQUIREMENTS. SECONDED BY MR. BROWN. MOTION CARRIED.

The Board reviewed and discussed an email from Captain Eddie Maness of the Guilford County Sheriff's Office. After reviewing this email, the Board agreed that a person installing these types of systems would need a Burglar Alarm Business License if these systems were going to be monitored.

#### DIRECTOR'S REPORT

Mr. Wright presented the writtenreport and advised that as of April 1, 2009, the combined budget balance was \$246,851.37. The Alarm Recovery Fund balance was \$34,305.25. As of May 12, 2009, the Board has 869 licensees and 4472 registrants.

Mr. Wright advised the Board on the current policy on returned checks. If one returned check is received, then the company has to submit from then on either a certified check or money order for any licensing or registration application. Mr. Wright would like the policy to say that someone would have to stay on the returned check list for three years and then if another check is received, then they would stay on the list for five years, and then after five years, they would stay on the list indefinitely.

MR. DONALDSON MADE A MOTION THAT A COMPANY WOULD REMAIN ON THE RETURNED CHECK LIST FOR TWO YEARS AFTER RECEIVING ONE RETURNED CHECK, A COMPANY WOULD REMAIN ON THE RETURNED CHECK LIST FOR FIVE YEARS AFTER RECEIVING A SECOND RETURNED CHECK, AND IF ANOTHER CHECK WAS RETURNED, THEN THE COMPANY WOULD REMAIN ON THE LIST INDEFINITELY. SECONDED BY MR. HOGGARD. MOTION CARRIED.

# ATTORNEY'S REPORT

Mr. McDarris reported the following agreements:

- 1. Frank Chaput Consent Agreement with installment payments is current.
- 2. Brian Prow Consent Agreement with installment payments is current.
- 3. William Waller Consent Agreement with installment payments is current.

- 4. George Ware Consent Agreement paid in full.
- 5. Dirk Samples Consent Agreement paid in full.
- 6. Ken Gill Consent Agreement with installment payments has been mailed.
- 7. Stephen Johnson Consent Agreement with installment payments is current.
- 8. George Wunker Consent Agreement will be redrafted.

#### **RULES**

1. 12 NCAC 11 .0206 - Proposed Employment Security Commission rule is up for adoption.

# MR. BROWN MADE A MOTION TO ADOPT 12 NCAC 11 .0206 AND SEND TO RULES REVIEW COMMISSION. SECONDED BY MR. HOGGARD. MOTION CARRIED.

2. 12 NCAC 11 .0203 AND .0302 - Proposed fee increases have been filed with the Office of Administrative Hearings. These will be held pending passage by the legislature to modify the fingerprint card filing requirements.

Mr. McDarris reported that the proposed changes to the 74D Legislative Amendments have been filed as Senate Bill 1073.

Mr. McDarris presented the proposed Fire Alarm legislation, Senate Bill 856/House Bill 1532. Mr. McDarris stated that there has been some discussion whether or not this regulation should be under the Electrical Board or under the Alarm Board. Mr. Smith and Mr. Brown feel like the regulation should be under the Alarm Board.

Mr. McDarris stated that he contacted the Electrical Board and they advised him that an electrical contractor's license must be in one company name. If an electrical contractor is hired to be a full time employee that holds the electrical license for an alarm company, then the electrical license must be in the alarm company's name and cannot be in the electrical company's name, not both.

Mr. McDarris presented the Board with his retainer contract.

MR. BROWN MADE A MOTION TO ACCEPT THE ATTORNEY'S RETAINER CONTRACT AS PRESENTED. SECONDED BY MR. LEE. MOTION CARRIED.

GOOD OF THE ORDER

MR. BROWN MADE A MOTION TO ADJOURN. SECONDED BY MR. DONALDSON. MOTION CARRIED.

Meeting Adjourned: 12:30 pm

Terry Wright	
Director	
Nan Williams	